Best Available Copy

MAY 2 5 2005 Application No.: 10/750,548

Petition to Revive
Unintentionally
Abandoned
Patent
Application

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Application No.:	10/750,548		
Appl'n Filing Date:	December 31, 2003		
Examiner:	(to be assigned)		
Art Unit:	(to be assigned)		
Attorney Docket:	2003-0025		
First Inventor:	Robert S. CAHN		
T:0 f l	ADJUSTABLE RATE USAGE-BASED		
Title of Invention:	BILLING FOR DATA SERVICES		

Mail Stop PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient first class postage as first class mail, addressed as set forth above, on the date shown below.

Signature of Raymond C. Glenny:

Date: May 19, 2005

Sir:

The above-identified patent application became abandoned for failure to file a reply to a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION dated May 4, 2004.

A NOTICE OF ABANDONMENT was mailed on January 10, 2005. The application thus became abandoned on July 4, 2004, less than one year before the filing of this petition.

Applicant hereby petitions for revival of this patent application.

Applicant hereby states that the entire delay in filing the required reply (accompanying this petition) until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Additional information supporting this petition is provided as follows.

07/14/2005 HVUDNG1 00000073 10750548

01 FC:1453

1500.00 OP

Under MPEP § 711.03(c)(D), because this petition is not being filed within three months of the NOTICE OF ABANDONMENT, Applicant provides the following showing of how this delay was unintentional. According to the best understanding of the undersigned attorney:

- 1• Upon receipt of PTO communications, Assignee corporation electronically scans in the documents into an electronic file system, and forwards electronic files to an attorney in charge.
- 2. The attorney who was responsible for filing the reply in 2004 is no longer affiliated with Axiom Legal Solutions, Inc. (an outside law firm doing work for Assignee corporation), and that attorney could not be contacted.
- 3. Responsibility for the case was transferred to a second attorney, affiliated with Axiom, after the Notice of Abandonment was scanned in.
- 4. Due to workload constraints, the second attorney transferred the case to the undersigned attorney (also affiliated with Axiom) on March 31, 2005.
- 5• The undersigned attorney learned that the attorney who was originally responsible for the case had not forwarded a complete file history of the patent application to Assignee corporation; accordingly, Assignee corporation ordered a copy of the PTO file wrapper on about April 4, 2005.
- 6• Assignee corporation received the copy of the PTO file wrapper and entered it into its electronic file system, and forwarded an electronic copy of the file wrapper to the undersigned attorney who received it on May 12, 2005.
- 7. On May 13, 2005, the undersigned attorney succeeded in locating and contacting the sole inventor (who had left his employment with Assignee corporation), and sent a Declaration to the sole inventor for execution.
- 8• On May 18, 2005, the undersigned Attorney received an executed Declaration from the sole inventor.
- 9. On May 19, 2005, this Petition to Revive is being filed, along with a Declaration and fees required to revive the application and respond to the NOTICE TO FILE MISSING PARTS.

Accordingly, the foregoing explanation of any delay in responding to the NOTICE OF ABANDONMENT supports the unintentional nature of the abandonment of this patent application.

Applicant provides the following explanation for the fees being paid herewith. Under OG Notices: 22 February 2005,

The provisions of 35 U.S.C. 41(a)(1) (filing fee and application size fee), 35 U.S.C. 41(a)(3) (examination fee), and 35 U.S.C. 41(d)(1) (search fee) apply only to applications for patent filed under 35 U.S.C. 111 on or after December 8, 2004,...

Accordingly, only the \$790 Basic Filing Fee required under the October 1, 2004 fee schedule needs to be provided (and not the \$1000 total for filing, examination and search fees in the December 8, 2004 fee schedule).

In summary, the following fees are provided:

Filing Fee: \$ 790 Surcharge: \$ 130 Petition Fee: \$ 1500 TOTAL \$ 2420

The Commissioner may charge fee deficiencies or credit overpayments to Deposit Account 50-2396 (Axiom).

The following documents are being filed by Certificate of Mailing today, May 19, 2005:

Copy of NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Copy of executed Declaration

Copy of NOTICE OF ABANDONMENT

This PETITION TO REVIVE

Copy of Appointment of Attorney and Change of Correspondence Address

Copy of Power to Inspect and Make Copies

Credit Card Payment Form including payment for \$2420

Two return receipt post cards

Telephone calls concerning this petition should be directed to the undersigned attorney.

Respectfully submitted,

By: Kaymond

Date: May 19, 2005

For Customer No. 26,652

Phone 301.464.0431

Raymond C. Glenny

Registration No. 32,413



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE UNITED STATES DEFAURIMENT OF COMMIT United States Patent and Trademark Office Addres: COMMISSIONER FOR PATENTS P.O. Dox 1450 Alexandria, Vinginia 22313-1450 www.unjtu.gov

FILING OR 371(C) DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

APPLICATION NUMBER 10/750,548

MIDDLETOWN, NJ 07748

12/31/2003

Robert Cahn

2003-0025 (1166-24)

26652 AT&T CORP. P.O. BOX 4110



CONFIRMATION NO. 5580 ABANDONMENT/TERMINATION LETTER

OC000000014920550*

Date Mailed: 01/10/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/04/2004.

· No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(I); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

OFFICE OF PETMONS I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ADJUSTABLE RATE USAGE-BASED BILLING FOR DATA SERVICES

which was filed on December 31, 2003 as U.S. Patent Application No. 10/750,548.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119(a-d) or 365(a-b) of PCT or foreign application(s) for patent or inventors' certificate listed below or priority benefits under 119(e) of any United States provisional application(s) listed below and have also identified below any foreign application for patent or inventors' certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the attorney(s) associated with Customer Number 26,652 (AT&T Corp.) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments

therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

I also appoint Raymond C. Glenny, Reg. No. 32,413, as associate attorney, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith.

PLEASE ADDRESS ALL CORRESPONDENCE TO:	PLACE TELEPHONE CALLS TO:
Address Associated with Customer No. 26,652	Raymond C. Glenny
Mr. Samuel H. Dworetsky AT&T Corp. Room 2A-207 One AT&T Way Bedminster, New Jersey 07921	Phone: 301.464.0431

FULL NAME OF 1ST INVENTOR:	Robert S. CAMN
Inventor's Signature:	Muit 1 9 DATE: May 16, 2005
RESIDENCE ADDRESS:	Gipsy Trail Club 607 Gipsy Trail Road Carmel, New York 10512
COUNTRY OF CITIZENSHIP:	United States of America
POST OFFICE ADDRESS:	Gipsy Trail Club 607 Gipsy Trail Road Carmel, New York 10512



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Robert Cahn

RECEIVED MAY 2 5 2005

Docket No.

2003-0025

10/750,548

Group Art Unit

3629

Filed

December 31, 2003

Confirmation No.

5580

Examiner

Serial No.

Title

Adjustable Rate Usage-Based Billing For Data Services

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

SIR:

APPOINTMENT OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Please recognize any of the attorneys associated with Customer Number 26652 of AT&T Corp., Bedminster, New Jersey, as attorneys in the above-mentioned application, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith. Please also recognize Jeffrey L. Brandt (Reg. No. 31490), Charles A. Rattner (Reg. No. 40136) and Raymond C. Glenny (Reg. No. 32413) of Axiom Legal as attorneys in the above-mentioned application, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all written correspondence in this application to Mr. S. H. Dworetsky, AT&T Corp., Room 2A-207, One AT&T Way, Bedminster, NJ 07921. Please direct all telephone calls in this application to Jeffrey L. Brandt at 203-438-1077.

Thomas A. Restaino Reg. No. 33444

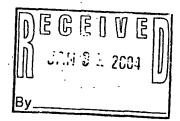
Attorney for Applicants

Date: 1/28/205

AT&T Corp.

Room 2A-207
One AT&T Way

Bedminster, New Jersey 07921





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Robert Cahn

Docket No.

2003-0025

Serial No.

10/750,548

Group Art Unit

3629

Filed

December 31, 2003

Confirmation No.

5580

Examiner

Title

Adjustable Rate Usage-Based Billing For Data Services

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

SIR:

Power To Inspect And Make Copies

Authorization is hereby given to any associates of Axiom Legal Services, including Jeffrey L. Brandt, Charles A. Rattner and Raymond C. Glenny, to inspect and make copies of the above-identified application, including assignments.

Thomas A. Restaino Reg. No. 33444

Thomas A. Revani

Attorney for Applicants

Date: 1/25/2005 AT&T Corp. P. O. Box 4110

Middletown, New Jersey 07748

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26652

AT&T CORP. P.O. BOX 4110

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademurk Office Address COMMISSIONER FOR PATENTS P.O. DOX 1450 Alexandria, Vigoria 22313-1450 www.minuto.com

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/750,548

MIDDLETOWN, NJ 07748

12/31/2003

MAY 2 5 2005

Robert Cahn

2003-0025 (1166-24)

CONFIRMATION NO. 5580

FORMALITIES LETTER

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OC000000012520661

Date Mailed: 05/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
 Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$900 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Q7/14/2005 HVUDNG1 00000073 10750548

Q3 FC:1051

790.00 OP

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A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



Revenue Accounting and Management

Name/Number: 10881173

108811/3

Start Date: Any Date

Total Records Found: 5

End Date: Any Date

Accounting Date 07/07/2004 07/07/2004 10/13/2004 10/13/2004	Sequence Num. 00000031 00000032 00000120 00000834	Tran Type 1 1 1	Fee Code 1001 1201 1051 8021	Fee Amount Mailroom Date \$770.00 06/30/2004 \$86.00 06/30/2004 \$130.00 10/11/2004 \$40.00 10/11/2004	Payment Method DA 162480 DA 162480 DA 162480 DA 162480
10/13/2004	00000834		8021	\$40.00 10/11/2004	DA 162480
04/07/2005	00000206		8007	\$40.00 04/04/2005	DA 162485

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